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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,208	04/08/2004	Eric R. Blomiley	MI22-2519	2294
21567	7590	12/14/2006	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			SONG, MATTHEW J	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/822,208

Applicant(s)

BLOMILEY ET AL.

Examiner

Matthew J. Song

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 10 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/22/06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites, “the plurality of outer rotating radiation conduits channeling radiation to a single of the stationary radiation conduits” in the second to last paragraph. Applicant’s Fig 6 merely shows a one to one relationship for the rotating conduits and the stationary conduits. The original disclosure does not provide support for channel radiation to a single stationary radiation conduit.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites, “the plurality of outer rotating radiation conduits channeling radiation to a single of the stationary radiation conduits” in second to last paragraph. The language is confusing and difficult to understand. The examiner has interpreted this limitation, in an effort to

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expedite prosecution. to mean the plurality of outer rotating conduits channel radiation to a single stationary conduit.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over De Boer (US 2006/0057826 A1).

Do Boer teaches a deposition apparatus comprising a rotating substrate susceptor ([0039]), this clearly suggests applicant's substrate susceptor being configured to spin while the substrate is received therein and to thereby spin the substrate. Do Boer also teaches heating lamps and heating the wafer to approximately the same temperature as the susceptor ([0019] and [0030]). Do Boer also teaches optical fibers are connected to a measuring device for determining temperature by measuring radiation from the backside of the wafer ([0009] and [0033]-[0036]), this clearly suggests applicant's radiation detector. Do Boer also teaches a plurality of rotating optical fibers 37,38 extending through the susceptor (Fig 3C and [0042]) and additional fibers are possible ([0036]), this clearly suggests applicant's plurality of outer rotating radiation conduits being associated with an outer of the annular regions. The plurality of rotating conduits are channeled into a single output to the control system (Fig 3C), this clearly suggests applicant's channeling radiation to a single stationary radiation conduit.

Do Boer does not explicitly teach stationary radiation conduits. However, Do Boer does teach a plurality of rotating optical fibers are connected to the optical multiplexer 42 and stationary monitoring device 41. Therefore, a connection, i.e. conduit, is inherently between the rotating optical fibers and the stationary monitoring device. The stationary monitoring device is stationary; therefore any conduits from the rotating optical fibers are stationary. In the

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alternative, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Do Boer by having stationary radiation conduits to transfer the data to the monitoring device.

Referring to the limitations in the preamble, the recitation apparatus configured to deposit material over a substantially circular semiconductor wafer substrate, the substrate being defined to comprise a plurality of annular regions extending radially inwardly of one another, has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Referring to claim 10, Do Boer teaches fibers ([0042]).

7. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Boer (US 2006/0057826 A1) as applied to claims 1 and 10 above, and further in view of Doitel et al (US 5,944,422).

De Boer teaches all of the limitations of claim 50, as discussed previously, except the rotating radiation conduits are within a shaft, wherein the stationary radiation conduits are within a receptor, and further comprising a coupling between the shaft and receptor that enables vacuum to be maintained within the shaft.

In an apparatus for measuring temperature, note entire reference, Doitel et al teaches an optical fiber 30 extends for the complete length of a shaft 12 and terminates adjacent to a thermal detector assembly 31 (col 3, ln 1-65), this clearly suggests applicant's receptor. Doitel et al also teaches a vacuum seal at the lower end of the shaft (col 2, ln 60-67), this clearly suggests applicant's coupling enables vacuum to be maintained in the shaft. Doitel et al teaches the shaft is enclosed by a liner to protect it from the deposition of substances (col 4, ln 20-40) and the shaft is water cooled (col 2, ln 40-67).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify De Boer by enclosing the optical fibers in a shaft, as taught by Doitel et al, to protect the optical fiber from the deposition of gases and high temperatures.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 10 and 50 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Song whose telephone number is 571-272-1468. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJS  
December 9, 2006



**ROBERT KUNEMUND**  
**PRIMARY EXAMINER**

Matthew J Song  
Examiner  
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